

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

KATHRYN TOWNSEND GRIFFIN, HELEN  
MCDONALD, and THE ESTATE OF CHERRIGALE  
TOWNSEND,

*Plaintiffs,*

-against-

EDWARD CHRISTOPHER SHEERAN, p/k/a ED  
SHEERAN, ATLANTIC RECORDING  
CORPORATION, d/b/a ATLANTIC RECORDS,  
SONY/ATV MUSIC PUBLISHING, LLC, and  
WARNER MUSIC GROUP CORPORATION, d/b/a  
ASYLUM RECORDS

*Defendants.*

ECF CASE

17-cv-5221 (LLS)

**DECLARATION OF  
DONALD S. ZAKARIN  
IN SUPPORT OF DEFENDANTS'  
SECOND MOTION *IN LIMINE***

I, DONALD S. ZAKARIN, declare as follows:

1. I am a member of Pryor Cashman LLP, counsel for defendants Edward Christopher Sheeran (“Sheeran”), Atlantic Recording Corporation d/b/a Atlantic Records (“Atlantic”) and Sony/ATV Music Publishing LLC (“SATV,” together with Sheeran and Atlantic, the “Defendants”). I have personal knowledge of, and am fully familiar with, the facts set forth in this Declaration, which I respectfully submit in support of Defendants’ Second Motion *In Limine*.

2. The purpose of this Declaration is to provide the Court with the specific and relevant documents referenced in Defendants’ Memorandum of Law in support of their Second Motion *In Limine*, which is a motion pursuant to Rule 702 of the Federal Rules of Evidence and commonly referred to as a “Daubert” motion.

3. Undefined capitalized terms have the meanings given to them in the accompanying memorandum of law.

4. Annexed as **Exhibit 1** is a true and correct copy of Plaintiffs’ “Expert Disclosures Pursuant To Rule 26(B)(4),” which includes the Stewart Report.

5. Annexed as **Exhibit 2** is a true and correct copy of the Declaration of Dr. Alexander Stewart, submitted by Plaintiffs in opposition to Defendants' motion for summary judgment.

6. Annexed as **Exhibit 3** are true and correct excerpts of the deposition testimony of Dr. Alexander Stewart dated May 30, 2018.

7. Annexed as **Exhibit 4** is a true and correct copy of the TOL sheet music that Dr. Stewart claims to have purchased.

8. Annexed as **Exhibit 5** are true and correct excerpts of two guitar method books: (1) *Money Chords: A Songwriter's Sourcebook of Popular Chord Progressions*; and (2) *Guitar for Advanced Beginners*.

9. Annexed as **Exhibit 6** is a true and correct screenshot of the "Glossary Of Terms" from the website for the Berklee College of Music.

10. Annexed as **Exhibit 7** is a true and correct screenshot from Fender.com.

11. Annexed as **Exhibit 8** is a true and correct copy of the Report of Lawrence Ferrara PhD., dated January 12, 2018, excluding visual and audio exhibits.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: July 8, 2020



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DONALD S. ZAKARIN